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ENGROSSED HOUSE BILL 1969

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hasegawa and Springer

Read first time 02/15/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to the exemption of flood control zone districts  
2 that are coextensive with a county from certain limitations upon  
3 regular property tax levies; amending RCW 84.52.010 and 84.52.043;  
4 adding a new section to chapter 84.52 RCW; creating a new section; and  
5 providing an expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 84.52.010 and 2009 c 551 s 7 are each amended to read  
8 as follows:

9 (1) Except as is permitted under RCW 84.55.050, all taxes (~~shall~~)  
10 must be levied or voted in specific amounts.

11 (2) The rate percent of all taxes for state and county purposes,  
12 and purposes of taxing districts coextensive with the county, (~~shall~~)  
13 must be determined, calculated and fixed by the county assessors of the  
14 respective counties, within the limitations provided by law, upon the  
15 assessed valuation of the property of the county, as shown by the  
16 completed tax rolls of the county, and the rate percent of all taxes  
17 levied for purposes of taxing districts within any county (~~shall~~)  
18 must be determined, calculated and fixed by the county assessors of the

1 respective counties, within the limitations provided by law, upon the  
2 assessed valuation of the property of the taxing districts  
3 respectively.

4 (3) When a county assessor finds that the aggregate rate of tax  
5 levy on any property, that is subject to the limitations set forth in  
6 RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either  
7 of these sections, the assessor (~~shall~~) must recompute and establish  
8 a consolidated levy in the following manner:

9 ~~((+a))~~ (a) The full certified rates of tax levy for state, county,  
10 county road district, and city or town purposes (~~shall~~) must be  
11 extended on the tax rolls in amounts not exceeding the limitations  
12 established by law; however any state levy (~~shall~~) takes precedence  
13 over all other levies and (~~shall~~) may not be reduced for any purpose  
14 other than that required by RCW 84.55.010. If, as a result of the  
15 levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105,  
16 the portion of the levy by a metropolitan park district that was  
17 protected under RCW 84.52.120, 84.52.125, 84.52.135, (~~and~~) 84.52.140,  
18 and the protected portion of the levy under RCW 86.15.160 by flood  
19 control zone districts that are coextensive with a county, the combined  
20 rate of regular property tax levies that are subject to the one percent  
21 limitation exceeds one percent of the true and fair value of any  
22 property, then these levies (~~shall~~) must be reduced as follows:

23 ~~((+a))~~ (i) The protected portion of the levy imposed under RCW  
24 86.15.160 by a flood control zone district that is coextensive with a  
25 county must be reduced until the combined rate no longer exceeds one  
26 percent of the true and fair value of any property or must be  
27 eliminated;

28 (ii) If the combined rate of regular property tax levies that are  
29 subject to the one percent limitation still exceeds one percent of the  
30 true and fair value of any property, the levy imposed by a county under  
31 RCW 84.52.140 (~~shall~~) must be reduced until the combined rate no  
32 longer exceeds one percent of the true and fair value of any property  
33 or (~~shall~~) must be eliminated;

34 ~~((+b))~~ (iii) If the combined rate of regular property tax levies  
35 that are subject to the one percent limitation still exceeds one  
36 percent of the true and fair value of any property, the portion of the  
37 levy by a fire protection district that is protected under RCW

1 84.52.125 (~~shall~~) must be reduced until the combined rate no longer  
2 exceeds one percent of the true and fair value of any property or  
3 (~~shall~~) must be eliminated;

4 (~~(c)~~) (iv) If the combined rate of regular property tax levies  
5 that are subject to the one percent limitation still exceeds one  
6 percent of the true and fair value of any property, the levy imposed by  
7 a county under RCW 84.52.135 must be reduced until the combined rate no  
8 longer exceeds one percent of the true and fair value of any property  
9 or must be eliminated;

10 (~~(d)~~) (v) If the combined rate of regular property tax levies  
11 that are subject to the one percent limitation still exceeds one  
12 percent of the true and fair value of any property, the levy imposed by  
13 a ferry district under RCW 36.54.130 must be reduced until the combined  
14 rate no longer exceeds one percent of the true and fair value of any  
15 property or must be eliminated;

16 (~~(e)~~) (vi) If the combined rate of regular property tax levies  
17 that are subject to the one percent limitation still exceeds one  
18 percent of the true and fair value of any property, the portion of the  
19 levy by a metropolitan park district that is protected under RCW  
20 84.52.120 (~~shall~~) must be reduced until the combined rate no longer  
21 exceeds one percent of the true and fair value of any property or  
22 (~~shall~~) must be eliminated;

23 (~~(f)~~) (vii) If the combined rate of regular property tax levies  
24 that are subject to the one percent limitation still exceeds one  
25 percent of the true and fair value of any property, then the levies  
26 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy  
27 imposed under RCW 84.52.069 that is in excess of thirty cents per  
28 thousand dollars of assessed value, (~~shall~~) must be reduced on a pro  
29 rata basis until the combined rate no longer exceeds one percent of the  
30 true and fair value of any property or (~~shall~~) must be eliminated;  
31 and

32 (~~(g)~~) (viii) If the combined rate of regular property tax levies  
33 that are subject to the one percent limitation still exceeds one  
34 percent of the true and fair value of any property, then the thirty  
35 cents per thousand dollars of assessed value of tax levy imposed under  
36 RCW 84.52.069 (~~shall~~) must be reduced until the combined rate no  
37 longer exceeds one percent of the true and fair value of any property  
38 or must be eliminated.

1       (~~(2)~~) (b) The certified rates of tax levy subject to these  
2 limitations by all junior taxing districts imposing taxes on such  
3 property (~~shall~~) must be reduced or eliminated as follows to bring  
4 the consolidated levy of taxes on such property within the provisions  
5 of these limitations:

6       (~~(a)~~) (i) First, the certified property tax levy rates of those  
7 junior taxing districts authorized under RCW 36.68.525, 36.69.145,  
8 35.95A.100, and 67.38.130 (~~shall~~) must be reduced on a pro rata basis  
9 or eliminated;

10       (~~(b)~~) (ii) Second, if the consolidated tax levy rate still  
11 exceeds these limitations, the certified property tax levy rates of  
12 flood control zone districts (~~shall~~) must be reduced on a pro rata  
13 basis or eliminated;

14       (~~(c)~~) (iii) Third, if the consolidated tax levy rate still  
15 exceeds these limitations, the certified property tax levy rates of all  
16 other junior taxing districts, other than fire protection districts,  
17 regional fire protection service authorities, library districts, the  
18 first fifty cent per thousand dollars of assessed valuation levies for  
19 metropolitan park districts, and the first fifty cent per thousand  
20 dollars of assessed valuation levies for public hospital districts,  
21 (~~shall~~) must be reduced on a pro rata basis or eliminated;

22       (~~(d)~~) (iv) Fourth, if the consolidated tax levy rate still  
23 exceeds these limitations, the first fifty cent per thousand dollars of  
24 assessed valuation levies for metropolitan park districts created on or  
25 after January 1, 2002, (~~shall~~) must be reduced on a pro rata basis or  
26 eliminated;

27       (~~(e)~~) (v) Fifth, if the consolidated tax levy rate still exceeds  
28 these limitations, the certified property tax levy rates authorized to  
29 fire protection districts under RCW 52.16.140 and 52.16.160 and  
30 regional fire protection service authorities under RCW 52.26.140(1) (b)  
31 and (c) (~~shall~~) must be reduced on a pro rata basis or eliminated;  
32 and

33       (~~(f)~~) (vi) Sixth, if the consolidated tax levy rate still exceeds  
34 these limitations, the certified property tax levy rates authorized for  
35 fire protection districts under RCW 52.16.130, regional fire protection  
36 service authorities under RCW 52.26.140(1)(a), library districts,  
37 metropolitan park districts created before January 1, 2002, under their  
38 first fifty cent per thousand dollars of assessed valuation levy, and

1 public hospital districts under their first fifty cent per thousand  
2 dollars of assessed valuation levy, (~~shall~~) must be reduced on a pro  
3 rata basis or eliminated.

4 **Sec. 2.** RCW 84.52.043 and 2009 c 551 s 6 are each amended to read  
5 as follows:

6 Within and subject to the limitations imposed by RCW 84.52.050 as  
7 amended, the regular ad valorem tax levies upon real and personal  
8 property by the taxing districts hereafter named (~~shall-be~~) are as  
9 follows:

10 (1) Levies of the senior taxing districts (~~shall-be~~) are as  
11 follows: (a) The levy by the state (~~shall~~) may not exceed three  
12 dollars and sixty cents per thousand dollars of assessed value adjusted  
13 to the state equalized value in accordance with the indicated ratio  
14 fixed by the state department of revenue to be used exclusively for the  
15 support of the common schools; (b) the levy by any county (~~shall~~) may  
16 not exceed one dollar and eighty cents per thousand dollars of assessed  
17 value; (c) the levy by any road district (~~shall~~) may not exceed two  
18 dollars and twenty-five cents per thousand dollars of assessed value;  
19 and (d) the levy by any city or town (~~shall~~) may not exceed three  
20 dollars and thirty-seven and one-half cents per thousand dollars of  
21 assessed value. However any county is hereby authorized to increase  
22 its levy from one dollar and eighty cents to a rate not to exceed two  
23 dollars and forty-seven and one-half cents per thousand dollars of  
24 assessed value for general county purposes if the total levies for both  
25 the county and any road district within the county do not exceed four  
26 dollars and five cents per thousand dollars of assessed value, and no  
27 other taxing district has its levy reduced as a result of the increased  
28 county levy.

29 (2) The aggregate levies of junior taxing districts and senior  
30 taxing districts, other than the state, (~~shall~~) may not exceed five  
31 dollars and ninety cents per thousand dollars of assessed valuation.  
32 The term "junior taxing districts" includes all taxing districts other  
33 than the state, counties, road districts, cities, towns, port  
34 districts, and public utility districts. The limitations provided in  
35 this subsection (~~shall~~) do not apply to: (a) Levies at the rates  
36 provided by existing law by or for any port or public utility district;  
37 (b) excess property tax levies authorized in Article VII, section 2 of

1 the state Constitution; (c) levies for acquiring conservation futures  
2 as authorized under RCW 84.34.230; (d) levies for emergency medical  
3 care or emergency medical services imposed under RCW 84.52.069; (e)  
4 levies to finance affordable housing for very low-income housing  
5 imposed under RCW 84.52.105; (f) the portions of levies by metropolitan  
6 park districts that are protected under RCW 84.52.120; (g) levies  
7 imposed by ferry districts under RCW 36.54.130; (h) levies for criminal  
8 justice purposes under RCW 84.52.135; (i) the portions of levies by  
9 fire protection districts that are protected under RCW 84.52.125;  
10 (~~and~~) (j) levies by counties for transit-related purposes under RCW  
11 84.52.140; and (k) the protected portion of the levies imposed under  
12 RCW 86.15.160 by flood control zone districts that are coextensive with  
13 a county.

14 NEW SECTION. Sec. 3. A new section is added to chapter 84.52 RCW  
15 to read as follows:

16 A flood control zone district that is coextensive with a county may  
17 protect the levy under RCW 86.15.160(1) from prorationing under RCW  
18 84.52.010(3)(b)(ii) by imposing up to a total of twenty-five cents per  
19 thousand dollars of assessed value of the tax levy authorized under RCW  
20 86.15.160 outside of the five dollars and ninety cents per thousand  
21 dollars of assessed value limitation under RCW 84.52.043(2), if those  
22 taxes otherwise would be prorated under RCW 84.52.010(3)(b)(ii).

23 NEW SECTION. Sec. 4. This act applies to taxes levied for  
24 collection in 2012 through 2017.

25 NEW SECTION. Sec. 5. This act expires January 1, 2018.

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